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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,136	09/12/2003	Sheldon Margolis	OAKS-0004	7749

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EXAMINER

TRAIL, ALLYSON NEEL

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,136

Applicant(s)

MARGOLIS, SHELDON

Examiner

Allyson N. Trail

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/13/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11-2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the Amendment filed May 12, 2005.

Claim Objections

2. Claim 13 is objected to because of the following informalities:

Re claim 13, line 10: replace "the controller" with --a controller--.

Re claim 13, line 13: replace "its" with --the controller--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al (6,467,688) in view of Freeman et al (2002/0198852).

Goldman et al teaches the following in regards to claims 1-3 and 12:

Figure 1 shows a printer including a motor 33 which drives a gear 34 which in turn engages gears 35 and 36 on rollers 37 and 38 respectively. Mounted above the motor 33 is a thermal print head 39. Specially treated thermal paper sheet P is then fed between the rollers which, when driven by the motor, effect movement of the sheet under the print head 39 and in effect printing thereon one sheet at a time. (Col. 1 line 65 – Col. 2, line 5).

"In another embodiment, card stock is pushed or pulled through the mechanism manually by a user. A sensor can vary the print speed to adjust for variations in feed speed. The printer will have a dead zone on the print medium to allow for gripping by a user." (Col. 2, lines 8-13).

The printer illustrated in figure 1 includes a mounting support 31. It is clear that the printer apparatus attached to the mounting support can be inserting to various printers, thereby making Goldman et al's printing apparatus interchangeable.

Goldman et al fail to specifically teach printing indicia on an envelope and printing indicia without a local postage meter.

Freeman et al teaches the following in regards to claims 1-3 and 11:

Figure 1 illustrates a mailing machine 10 including a print head module 100, a conveyor apparatus 200, a micro control system 300 and a singulator module 400. The singulator module 400 receives a stack of envelopes (not shown), or other mailpieces such as postcards, folders and the like, and separates and feeds them at variable speed in seriatim fashion (one at a time) in a path of travel as indicated by arrow A. The print head module 100 prints indicia of postage on each envelope 20.

In view of Freeman et al's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to use Goldman et al's printing method, including varying the printing speed, and apply the speed variation function to Freeman et al's envelope printing apparatus. Envelopes may be feed to the printing heads at various speeds depending on the thickness of each envelope. One

would be motivated to vary the printing speed so that the quality of the printed indicia will be consistent regardless of the feeding speed.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al (6,467,688) in combination with Freeman et al (2002/0198852) and in further view of Austin et al (5,781,708).

Goldman et al's teachings in combination with the teachings of Freeman et al are discussed above. The combination fails to teach controlling the printing speed of the print head based on a speed designated by a user interface.

Austin et al teaches the following in regards to claim 4:

"The user can also adjust printer operating parameters using the command sheet 136. For example, the command sheet 136 illustrated in FIG. 3B contains bar codes 140 which are used to adjust printer operating parameters such as print speed, print head pressure, and burn time." (Col. 7, lines 25-29).

In view of Austin et al's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to adjust the printing speed as disclosed by Austin et al in adjustable envelope printing apparatus taught by Goldman et al in combination with Freeman et al. Goldman teaches above adjusting the printing speed. One would be motivated to include an option for the user of the printing apparatus to designate the specific desired printer speed as disclosed by Austin et al. Including a backup user interface option for adjusting the printer speed would be beneficial in order to ensure that the quality of printed indicia printed on an envelope remains good.

6. Claims 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al (6,467,688) in combination with Freeman et al (2002/0198852) and in further view of Lord et al (2004/0215581).

Goldman et al's teachings in combination with the teachings of Freeman et al are discussed above. The combination fails to teach the controller comprising a computer card, a computer for indicating a postage amount, receiving a postage amount via a network, and lastly, printing postage indicia on the envelope without a local postage meter.

Lord et al teaches the following in regards to claims 5 and 10:

"Postage stamps are dispensed by receiving payment from a customer for a postage value at a point of sale terminal. The point of sale terminal requests and receives an authorization key from an authorization system." (Abstract).

"POS terminal 110 and authorization/verification system 120 may communicate via a connection 115. POS terminal 110 and authorization/verification system 120 may each comprise a modem, network interface card, or any other interface (e.g. a higher-speed cable or DSL modem or ISDN terminal adapter) to adapt the point of sale terminal 110 and authorization/verification system 120 to the connection 115."
(Paragraph 0023).

Lord et al teaches the following in regards to claims 9 and 10:

"The postage value may be based on the amount of postage required to mail the product. For example, a customer may approach POS terminal 110 to purchase a greeting card. After the greeting card is scanned to determine the product identification

number, the postage value may be determined by retrieving the postage value corresponding to the product identification number. This postage value may equal the postage value required to mail the greeting card." (Paragraph 0044).

In view of Lord et al's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the postage printing apparatus taught by Goldman et al in combination with Freeman et al be connected to a network via a computer and a network card as taught by Lord et al. The combination of Goldman et al and Freeman et al teach above, printing postage on envelopes. Calculating the appropriate postage amount is not taught however. One would be motivated to connect the printing postage apparatus taught by Goldman et al and Freeman et al to a network in order to easily and accurately determine the needed postage for various sized envelopes and items to be sent in the mail.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al (6,467,688) in combination with Freeman et al (2002/0198852) and in further view of Eisner et al (5,326,181).

Goldman et al's teachings in combination with the teachings of Freeman et al are discussed above. The combination fails to teach the printer including a plurality of print heads.

Eisner et al teaches the following in regards to claim 6:

"An envelope feeding and printing assembly providing for the individual, lengthwise feeding of envelopes and enabling printing thereon while said envelopes are

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in motion, including a plurality of print heads and a platen for imprinting the envelopes...”

“... The print heads are non-sequential and staggered to permit closer line spacing and "start times" of individual lines adjusted accordingly.” (Abstract).

In view of Eisner et al's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of print heads as taught by Eisner et al in combination with the postage printing apparatus taught by Goldman et al in combination with Freeman et al. One would be motivated to include a plurality of printer heads for the purpose, (as explained above by Eisner et al) of allowing for both closer line spacing and for adjusting different print start times for individual lines. Additionally one would be motivated to include multiple print heads in order to speed up the process of printing indicium on the envelope.

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al (6,467,688) in combination with Freeman et al (2002/0198852) and in further view of DeWitt et al (6,613,998).

Goldman et al's teachings in combination with the teachings of Freeman et al are discussed above. The combination fails to teach printing on the envelope the information based indicia and address information together with coding such as bar coding. The combination additionally fails to teach reducing the postage rate by confirming that an approved bar code exists on the envelope.

Dewitt et al teaches the following in regards to claims 7 and 8:

“Bulk mail accounts for a significant portion of the mail delivered by the United States Postal Service. The post office offers reduced postage rates for mail that is pre-processed. Essentially, the United States Postal Service charges less postage if the sender makes it easier for the post office to deliver the mail. To qualify for reduced rates, the processed mail must meet certain criteria set forth in various postal regulations. These criteria include the features such as printing the POSTNET barcode on the pieces of mail and ensuring that the pieces have a clear zone that is free of printing.” (Col. 1, lines 14-24).

In view of DeWitt et al’s teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to include address information on the envelope together with the approved bar coding as disclosed by DeWitt et al. Placing a bar code on envelopes to be mailed is well known in the art. One would be motivated to include a bar code in addition to address information in order to include a plurality of information stored in the bar code that is relevant to sender or the receiver of the mailed envelope. Also as disclosed by DeWitt et al, one would be motivated to reduce the postage rate if the bar code information is accurate in order to increase the speed of processing mail that is to be delivered.

Allowable Subject Matter

9. Claims 13-15 are objected to above, but would be allowable if the objection were overcome.
10. The following is a statement of reasons for the indication of allowable subject matter:

Prior art teaches printing apparatuses for printing indicia on envelopes. Prior art additionally teaches varying the print speed in order to appropriately print the indicia on envelopes fed by feeding machines having different feed rates. Prior art however, fails to teach the specific method for retrofitting an existing mailing system as is taught in claims 13-15 of the current invention. Specifically, prior art fails to teach the method for retrofitting an existing printing mailing system, wherein the existing mailing system comprises an existing printing portion, an existing metering portion, and an existing feeding portion that moves an envelope along a feed path, including removing the existing printing portion of the mailing system, mounting a frame and a print head proximate the existing feeding portion so that the envelope traveling along the feed path will pass proximate the print head, wherein the frame and print head are a different type from the removed existing printing portion. The claimed method further includes mounting a sensor proximate the existing feeding portion, wherein the sensor senses that the feeding portion of the mailing system has positioned the envelope proximate the print head and provides a signal to the controller to begin printing postage amount indicia. Connecting the print head to a controller is the next step of the claimed method, wherein the controller is operable to generate a print signal to cause the print head to print postage amount indicia, to receive an indication that the controller is authorized to print a postage indicia, and is operable to cause the print head to print at various speeds. Lastly, the claimed method includes adjusting the controller to cause the print head to print at a similar speed as the removed existing printing portion of the mailing

system. The specific method is not disclosed in prior art and moreover, one of ordinary skill would not have been motivated to come to the above claimed invention.

Response to Arguments

11. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection. Newly cited art, Goldman et al in combination with Freeman et al teach the apparatus for use with an envelope feeding machine as disclosed in claim 1. Applicant's arguments with respect to claims 13-15 were persuasive. Upon correction of the above objections to claim 13, claims 13-15 are in condition for allowance.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Sakakibara et al (2005/0110818), Omae et al (2004/0223046), Takahashi (6,612,675), Iwata et al (5,638,098), Katikaneni et al (2002/0073052), and Baker et al (2002/0057300).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
August 5, 2005

Jared J. Furman
JARED J. FURMAN
PRIMARY EXAMINER